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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/539,849
Filing Date: June 20, 2005
Appellant(s): STEPHENS, PAUL

Lawrence J. Chapa

For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 01/09/2008 appealing from the Office action mailed 04/27/2007.

(1) Real Party in interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

20030137435	Haddad et al.	07/2003
20010018349	Kinnunen et al.	08/2001

(9) Grounds of Rejection

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 32-55 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The amended claimed limitations “traveling to a previously disclosed location”, in claims 32 and 52 are not clearly described in the specification as originally filed and this constitute new matter. For examination purposes, the Examiner would interpret the rejected claimed limitations in the broadest scope of the Applicant's invention. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 32-47 and 49-55 are rejected under U.S.C. 102(e) as being anticipated by Haddad et al., (U.S 20030137435 A1), (hereinafter Haddad).

Regarding claim 32, Haddad discloses a method of providing location-based services (= arrival of bus at a specified location, see Par. [0015]) by a mobile service provider (= buses 14a-m, see Par. [0103]) using a wireless communication system (see Pars. [0036 and 0114] and Fig.1) that facilitates communication with a plurality of communication units, the method comprising:

providing location information (= arrival of bus at a specified location, see Par. [0015]), via a mobile communication unit (= mobile base station, see Pars. [0037-38]) adapted for use by the mobile service provider traveling to a previously undisclosed location where a service is to be performed of at least one of a current location of, and a location to be visited by (see Pars. 0018, 0024, 0035 and 0047), the

mobile service provider to an intermediate device (= monitoring the progress of each vehicle along its route, see Pars. [0027-0033 and 0037]; whereby the bus company or base station, including a processor, is being associated with the "intermediate device"); and

initiating the transmission of a wireless message (= alert signal to user, see Par. [0036]), by the intermediate device in dependence on the location information provided by the mobile service provider, to a number of communication devices (= number of passengers 18a-x with mobile phones 20a-x, see Par. [0103]) in the at least one of the current location of, and the location to be visited by, the mobile service provider, wherein said wireless message indicates the service to be provided by said mobile service provider at the at least one of the current location of, and the location to be visited by, the mobile service provider (= each bus or other vehicles communicates their position which translate into an expected time of arrival of the bus, see Pars.[0036-0045]).

Regarding claim 33, as recited in claim 32, Haddad discloses the method, wherein the initiating the transmission of a wireless message step comprises transmitting a wireless message to a number of communication devices in a predetermined location when the location information indicates the mobile service provider has at least one of moved into and is approaching the predetermined location (see Pars. [0028-37]).

Regarding claim 34, as recited in claim 32, Haddad discloses that the method further comprising:

registering an interest in said service by a number of communication devices (user 18 specify how they wish to be notified of the expected event, see Par. [0020]); and identifying the communication devices that have registered an interest in said service and that are located in the at least one of the current location of, and the location to be visited by, the mobile service provider, such that said wireless message is transmitted to said communication devices (see Par. [0019-22]).

Regarding claim 35, as recited in claim 34, Haddad discloses the method, wherein registering an interest (expected arrival time of the bus, see Par. [0020]) in said service by said number of communication devices is specific to at least one of a particular geographic location and a location identified by a postcode (electronic address or office phone, see Pars. [0020,0109 and 0143]).

Regarding claim 36, as recited in claim 32, Haddad discloses the method, wherein said wireless message includes contact details for said mobile service provider, the method further comprising:

receiving said wireless message at a number of communication devices; and contacting, by one or more users of said communication devices, said mobile service provider in response to receiving said wireless message (wireless device has the

functionality of alerting impending event and may allow voice connection or text communication, see Pars. [0141-42 and 0168]).

Regarding claim 37, as recited in claim 32, Haddad discloses that the method further comprising: broadcasting, by said intermediate device, a message to said number of communication units within a location area indicating an availability of said mobile service provider (see Pars. [0018, 0027-33 and 0126]).

Regarding claim 38, as recited in claim 34, Haddad discloses that the method further comprising: accessing a database (see database 23, Fig. 4), by said intermediate device, to identify a group of users that have registered an interest in said service provided by said mobile service provider (see Pars. [0109 and 0116] and Fig. 4).

Regarding claim 39, as recited in claim 38, Haddad discloses the method, wherein said database contains location information for a number of said users such that one or more of said user are informed by said intermediate device when said mobile service provider enters at least one of a communication cell, a geographic area, and a post code area matching said location (see Pars. 0105 and 0112).

Regarding claim 40, as recited in claim 34, Haddad discloses the method, wherein registering an interest in said service comprises: subscribing, by a user interested in said service provided by said mobile service provider, to at least one of a network operator (base station 12, see Fig. 1) and a wireless service provider operating said

intermediate device, such that information relating to said service is communicated to said subscribed user (see Par. [0105-0112]).

Regarding claim 41, as recited in claim 32, Haddad discloses that the method further comprising:

accessing a database (database 23, see Par. [0116]), by said mobile service provider, wherein said database identifies a group of users in a location that have registered an interest in said service provided by said mobile service provider (see Par. [0105-0112]); downloading a list of said group of users (user request for early alert alarm is sent to the processor that include a database, see Pars. [0105 and 0109] and Fig. 4); moving into said location by said mobile service provider; and transmitting a wireless message to a number of said group of users directly by said mobile service provider based on said downloaded list (see Pars. [0116 and 0126]).

Regarding claim 42, as recited in claim 32, Haddad discloses that the method further comprising: polling a number of communication devices in at least one of the same geographic area and cell where said mobile service provider is located to determine whether any of said polled communication devices have registered an interest to use a service offered by said mobile service provider (= signals are sent to user's mobile devices and devices which have a filter set appropriately will react to receipt of the telecast broadcast, see Par. [0126]).

Regarding claim 43, as recited in claim 32, Haddad discloses that the method further comprising: notifying said number of communication devices in a location of at least one of an event and an availability of said service at said location, via a short message service (SMS) message (see Pars. [0036-0141]).

Regarding claim 44, as recited in claim 32, Haddad discloses the method, wherein the transmission of a wireless message to a number of communication devices is sent at least one of: (i) intermittently, (ii) periodically, and (iii) during low traffic periods to utilize less expensive calling rates (see Pars. [0015-18 and 0126]).

Regarding claim 45, as recited in claim 37, Haddad discloses the method, wherein broadcasting a message of said availability of said mobile service provider (112) is sent at least one of: (i) intermittently, (ii) periodically, and (iii) during low traffic periods to utilize less expensive calling rates (see Pars. [0015-18 and 0126]).

Regarding claim 46, as recited in claim 37, Haddad discloses the method, wherein the transmission of a wireless message is sent on the same wireless communication system, as said step of broadcasting a message of said availability (see Pars. [0018 and 0126]) .

Regarding claim 47, as recited in claim 37, Haddad discloses the method, wherein broadcasting a message of said availability is sent on an adjunct communication system (= Bluetooth) to the communication system facilitating the transmission of a wireless message (see Par. [0036]).

Regarding claim 49, as recited in claim 32, Haddad discloses the method, wherein providing location based services by a mobile service provider using a wireless communication system that facilitates communication is implemented at least in part using a storage medium storing processor-implementable instructions adapted to control a processor (see Par. [0037-43 and 0165]).

Regarding claim 50, as recited in claim 32, Haddad discloses the method, wherein the wireless communication system is one of a UMTS communication system, a GSM communication system, a GPRS communication system, and a Bluetooth communication system (see Par. [0036]).

Regarding claim 51, as recited in claim 32, Haddad discloses the method, wherein the mobile communication unit of the mobile service provider is one of: a cellular phone, a portable radio, a mobile radio, a personal digital assistant, a laptop computer, and a wirelessly networked PC (= mobile base station, see Par. [0037]; which is being associated with "mobile radio").

Regarding claim 52, Haddad discloses a mobile communication unit (= mobile base station, see Par. [0037-38]) for use by a mobile service provider (= bus 52, Fig. 5), comprising:

a processor (= control processor of the mobile base station, see Par. [0038]); and a transmitter (communication between transponder and bus, see Fig. 7), operably coupled to and responsive to said processor, wherein said processor is configured to provide location information of at least one of a current location of, and a location to be visited by (= each bus communicates its location to a control processor which uses the location to establish and alert user that the specific bus is coming, see Pars. [0038 and 0045]), the mobile service provider traveling to a previously undisclosed location where a service is to be performed (see Pars. 0018, 0024 and 0035 and 0047) to initiate transmission of a wireless message to a number of communication devices (= an alert to user, also see Pars. [0036-43]), in the at least one of the current location of, and the location to be visited by, the mobile service provider, and wherein said wireless message indicates the service to be provided by said mobile service provider (catching a bus, see Pars. [0036-43]) at the at least one of the current location of and the location to be visited by the mobile service provider (a selected bus stop and different bus stops, see Pars. [0027, 0035 and 0045]).

Regarding claim 53, as recited in claim 52, Haddad discloses the mobile communication unit, wherein said mobile communication unit is adapted to function as a mobile service provider advertising device and said wireless message includes one or more of the following:

mobile service provider contact details, a service provided/offered by a user of the mobile communication unit, a communication cell or geographical location of, or to be visited by, the mobile communication unit (see Pars. [0038, and 0128-27]).

Regarding claim 54, as recited in claim 52, Haddad discloses the mobile communication unit, wherein, wherein said mobile communication unit further comprising a receiver and a memory unit, operably coupled to said processor (see Pars. [0038]), said receiver arranged to receive a list of subscriber groups that have registered an interest in the service offered by the mobile service provider in a particular geographic area or communication cell, and said memory unit is configured to store said received list (see Pars. [0105-0113 and 0109]).

Regarding claim 55, as recited in claim 52, Haddad discloses the mobile communication unit, wherein, wherein the communication unit is one of: a cellular phone, a portable radio, a mobile radio, a personal digital assistant, a laptop computer, and a wirelessly networked PC (= mobile base station, see Par. [0037]; which is being associated with "mobile radio").

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary

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skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 48 is rejected under U.S.C. 103(a) as being unpatentable over Haddad in view of Kinnunen et al. (U.S. 20010018349 A1), (hereinafter Kinnunen).

Regarding claim 48, as recited in claim 37, Haddad fails to disclose the method, wherein the mobile service provider goes through an authentication process.

However, Kinnunen teaches the method, wherein the mobile service provider goes through an authentication process (see Par.[0109]).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Kinnunen with the system of Haddad for the benefit of achieving a system that authenticate service provider in other to confirm to service users that all services presented to them are legitimate (see Kinnunen, Par. [0109]).

(10) Response to Argument

Regarding the alleged unpatentability over cited prior arts of Haddad et al.,

(US 20030137435 A1) (hereinafter Haddad) and Kinnunen et al., (US 20010018349), (hereinafter Kinnunen), the Examiner will detail the position in which the examination of the cited claims were made.

Appellant's Argument 1:

Rejection of Claims 35-55 Under 35 U.S.C. §112, First Paragraph

The examiner maintains the 35 U.S.C. §112, First Paragraph rejection based on the remarks below.

The Appellant argues that the rejected claimed limitation, mobile service provider "traveling to a previously undisclosed location where a service is to be performed", was previously disclosed by the Appellant and relies on Page 12, lines 17-24 and 30-34 (specification).

Although, roaming is merely discussed on Page 12, lines 17-24 and 30-34 (specification) to indicate movement from location to location, there is nowhere in the specification where roaming is defined as "traveling to a previously undisclosed location where a service is to be performed".

Furthermore, the specification mentions, on Page 12, lines 30-34 that, "when the Service provider is in or has indicated a subsequent visit to the cell area", but as indicated above, such teachings from the specification do not define the claimed limitation "traveling to a previously undisclosed location where a service is to be performed".

Lastly, for the sake of clarification, the word “previously” would have to indicate record/history of event/place, therefore “**previously undisclosed location**” would indicate record/history of a visited/roaming location.

Appellant’s Argument (2): Claim Rejections under 35 U.S.C. §102(e)

Regarding claims 33-47 and 49-55, the Appellant argues that Haddad US 20030137435 fails to teach the claimed limitations;

[“traveling to a previously undisclosed location where a service is to be performed”], (see claims 32 and 52).

The Appellant’s fails specifically to define the claimed limitation, “traveling to a previously undisclosed location where a service is to be performed.”

For the purpose of applying prior art, the Examiner relied broadly on (page 12, lines 17-24 and 30-34), where roaming and a subsequent visit of a cell area by a Service provider, were discussed, to imply/teach the claimed limitation traveling to a previously undisclosed location where a service is to be performed.

Moreover, the Examiner disagrees with the Appellant’s assertion that Haddad fail to teach the claimed limitation, “traveling to a previously undisclosed location where a service is to be performed”.

Haddad specifically mentions an arrival or a departure of a vehicle at a specified fixed location or variable fixed location; and a taxi or bus that travels from place to place, or make bus stops along a route (see Pars. 0019 and 0027-33). Haddad, further

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teaches the possibility of diverting the bus from a less busy route to a busy route (see Par. 0024); and a taxi pick up that involve non route-fixed transportation (see Par. 0047); i.e., taxi could pick up users from different location/route.

The above remarks clearly show that Haddad reference teaches roaming and a subsequent visit to a cell area.

Appellant's Argument (3) Claim Rejections under 35 U.S.C. §103(a)

Claim 48.

The Appellant argues that the combination of Haddad and Kinnunen is improper since Haddad fails to teach the claimed limitation "traveling to a previously undisclosed location where a service is to be performed"; and Kinnunen fails to cure the deficiency of Haddad.

The Examiner, however maintains that since Haddad teach roaming and a subsequent visit to a cell area, as indicated above, the combination of Haddad and Kinnunen is proper.

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(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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